

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SEVEN NETWORKS, LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

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CIVIL ACTION NO. 2:17-CV-00442-JRG

ORDER ON PRETRIAL MOTIONS

The Court held a two-day Pretrial Conference in the above-captioned matter on December 12, 2018 and December 18, 2018 regarding pretrial motions filed by Plaintiff SEVEN Networks, LLC (“SEVEN”) and Defendant Google, LLC (“Google”). (Dkt. Nos. 577, 585.) This Order summarizes and memorializes the Court’s rulings on the aforementioned motions as announced into the record. It is hereby **ORDERED** as follows:

1. Motion to Exclude the Testimony of Michael T. Goodrich, (Dkt. No. 367)

This motion is **DENIED**.

2. Motion to Exclude Expert Opinion Testimony by David Stewart and Strike Portions of His Report, (Dkt. No. 363)

This motion is **DENIED**.

3. Defendant Google LLC’s Motion to Exclude the Testimony of Brian W. Napper, (Dkt. No. 359)

This motion is **DENIED**.

4. Motion to Strike Defendants' Undisclosed Invalidity Theories, Prior-Art Systems, and Obviousness Combinations, (Dkt. No. 343)

This motion is **DENIED**.

5. Motion to Strike Defendants' Late-Produced Prior-Art Related Documents and Information, (Dkt. No. 345)

This motion is **DENIED**.

6. Motion to Strike Opinions of Google's Expert, Dr. Don Turnbull, Regarding Alleged Obviousness of the '952 Patent Over Silvester, (Dkt. No. 369), and for Partial Summary Judgment of Non-Obviousness of the '952 Patent Over Silvester, (Dkt. No. 348)

These motions are **DENIED**.

7. Motion to Strike Opinions of Google's Expert, Dr. Kevin Jeffay, Related to Alleged Non-Infringing Alternatives, or in the Alternative, for Leave to Serve Expert Rebuttals to Those Opinions, (Dkt. No. 350)

This motion is **GRANTED** and it is **ORDERED** that the opinions set forth in paragraphs 780–830 in the rebuttal expert report of Dr. Kevin Jeffay are hereby stricken.

8. Motion to Exclude Opinions and Testimony of Google's Damages Expert, Mr. Christopher Bakewell, (Dkt. No. 361)

This motion is **DENIED**.

9. Motion to Strike Portions of Smith Report as Exceeding Infringement Contentions, (Dkt. No. 364)

This motion is **DENIED**.

10. Motion to Strike Portions of Smith Report and Exclude Opinions, (Dkt. No. 365)

This motion is **DENIED**.

11. Motion for Partial Summary Judgment of No Doctrine of Equivalents Infringement of the '127 and '129 Patents and Summary Judgment of Non-Infringement of the '816 and '254 Patents, (Dkt. No. 355)

This motion is **DENIED**.

12. Motion for Summary Judgment of Non-Infringement of '600, '129, and '019 Patents, (Dkt. No. 353)

This motion is **DENIED**.

13. Motion for Summary Judgment of Non-Infringement of '952, '254, and '816 Patents, (Dkt. No. 354)

This motion is **DENIED**.


14. Defendant Google LLC's Motion for Summary Judgment of Invalidity for Lack of Patentable Subject Matter, (Dkt. No. 349)

This motion is **DENIED**.

15. Motion for Partial Summary Judgment of No Willful Infringement and No Pre-Suit Indirect Infringement, (Dkt. No. 347)

This motion is **DENIED AS MOOT** as SEVEN withdrew its allegations of willful infringement and pre-suit indirect infringement. (Dkt. No. 428.)

So ORDERED and SIGNED this 17th day of January, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE